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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,430	12/03/2003	Jesse G. DeMesa	INDXCOR.013C1	5819

7590   08/24/2005

ATTN: ELSA KELLER SIEMENS CORPORATION
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EXAMINER
LUU, MATTHEW

ART UNIT	PAPER NUMBER
2676	

DATE MAILED: 08/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/726,430	DEMESA ET AL.
	Examiner	Art Unit	
	LUU MATTHEW	2676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>04 October 2004</u>.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-37</u> is/are pending in the application.

  4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-37</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

  a) ☐ All b) ☐ Some * c) ☐ None of:

   1. ☐ Certified copies of the priority documents have been received.

   2. ☐ Certified copies of the priority documents have been received in Application No. _____.

   3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>6/1/04</u>.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

DETAILED ACTION

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-37 are rejected under the judicially created doctrine of obviousness-

type double patenting as being unpatentable over claims 1-68 of U.S. Patent No.

6,700,590. Although the conflicting claims are not identical, they are not patentably

distinct from each other because claims 1-37 of the U.S. Patent Application 10/726,430

are broader than claims 1-68 of the U.S. patent No. 6,700,590.

<u>Case No. 10/726,430</u>	<u>Patent No. 6,700,590</u>
(Claims 1-6)	(Claims 26-34)
Claim 1: A development system for developing computer models for the collection and display of data, the	**Claim 26**: A development system for developing computer models for the collection and display of data, the

development system comprising:

    a component builder...

    a view builder...

    a catalog that contains components...

    a module that provides functionality...

back-end data to allow that instance to

collect data.

development system comprising:

    a component builder...

    a view builder...

    a catalog that contains components...

    a module that provides functionality...

back-end data to allow that instance to

Collect data.

(Claims 7-17)

Claim 7: A method of generating a

computer model for the collection

and display of data, the method

comprising:

    generating a first reusable software

component that collects data from a

from a first type of data source;

    generating a first reusable view

that specifies how data collected by

the first component is to be displayed;

    generating a second reusable soft-

ware component that collects data

(Claims 1-15)

Claim 1: A method of generating a

computer model for the collection

and display of data, the method

comprising:

generating component that

represents a first type of business

element...being a reusable software

component...

defining a first view that specifies

how data collected by the first

component is to be displayed;

Claim 2: defining a second view that

specifies how data collected by the

from a second type of data source...;

first component is to be displayed...

generating a second reusable view...

Claims 18-26 are similar to claims 7-17

(Claims 1-15)

as set forth above.

(Claims 27-37)

(Claims 16-25)

Claim 27: A computer model for the...

Claim 16: A system for the collection...

a plurality of instances of a first

a plurality of instances of a first

reusable component...

component...

a first reusable view..., and a second

a plurality of views...

reusable view...

a navigation interface...

a navigation interface...,

as a respective node within a

and wherein the navigation interface

hierarchical node structure such that

represents each instance of the second

each instance of the second component

component as a child node of a parent

is represented as a child of a respective

node that represents the corresponding

instance of the first component...

instance of the first component.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUU MATTHEW whose telephone number is (571) 272-7663. The examiner can normally be reached on Flexible Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BELLA MATTHEW can be reached on (571) 272-7663. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M. Luu

MATTHEW LUU
PRIMARY EXAMINER